

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMIRALI Y. HAIDRI, ESQ.
110 HILLSIDE AVENUE, SUITE 104
SPRINGFIELD, NEW JERSEY 07081-3007
(908) 688-8700
Attorney for Plaintiff(s)
Our File No. 1449

WILLIAM ARAUJO,	:	Civil Action.: 1:19-cv-05785-JPC-SN
	:	
Plaintiff,	:	
	:	NOTICE OF MOTION
vs.	:	
	:	
E. MISHAN & SONS, INC. and FORGOT MY	:	
SOUVENIRS, LLC,	:	
	:	
Defendant.	:	

PLEASE TAKE NOTICE that plaintiff William Araujo by his attorney Amirali Y. Haidri will move the Honorable John P. Cronan, U.S.D.J. on October 14, 2022 or any other date that may be specified by the Court for an Order sealing the Claim Construction Opinion and Order dated June 29, 2022 which is Document No. 93.

In support of our motion, we will rely on the attached Declaration of plaintiff.

No Brief is submitted in that this is a Motion seeking routine relief that involves no unique issues of law.

Date: September 20, 2022



**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMIRALI Y. HAIDRI, ESQ.
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SPRINGFIELD, NEW JERSEY 07081-3007
(908) 688-8700
Attorney for Plaintiff(s)
Our File No. 1449

WILLIAM ARAUJO,	:	Civil Action.: 1:19-cv-05785-JPC-SN
	:	
Plaintiff,	:	
	:	
vs.	:	DECLARATION OF PLAINTIFF
	:	WILLIAM ARAUJO IN SUPPORT OF
	:	MOTION TO SEAL DOCUMENT NO. 93
E. MISHAN & SONS, INC. and FORGOT MY	:	
SOUVENIRS, LLC,	:	
	:	
Defendant.	:	

I, William Araujo, being of full age and sound mind hereby declare the following facts to be true.

1. I am the plaintiff in the matter before this Court. I sued both defendants herein for infringement of my U.S. Patent No, 9,446,276 claiming an Exercise Apparatus for Strengthening Abdominal Muscles. I am therefore fully familiar with the facts recited herein or upon information believe them to be true.

2. Following a Markman hearing, the Court rendered a Claim Construction Opinion and Order on June 29, 2022 under Document No. 93.

3. In light of that ruling, I abandoned my pursuit of this case. I did not appear before the Honorable Sarah Netburn, U.S.M.J. for a settlement conference, seek an interlocutory appeal or pursue this matter to final judgment followed by a plenary appeal.

4. Earlier on I filed an action in the United States District Court for the District of New Jersey under Civil Action No. 2:15-cv-05327-MCA-LDW entitled William Araujo v. eBay, Inc., et al. I settled that matter. No Markman ruling was handed down in that matter.

5. I still have the option to pursue infringement actions against other defendants before the term of my patent expires and before any statute of limitations runs.

6. In any new action I might file, I could conceivably receive a settlement before the case proceeds to a Markman hearing. However, if this Court's ruling in Document No. 93 is publicly available, I might not receive a settlement. In fact, the Court hearing my new action may consider itself bound by this Court's Markman ruling.


7. Accordingly, it is just and proper that Document No. 93 be sealed.

8. Relief is requested accordingly.

CERTIFICATION

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements, made by me are wilfully false, I am subject to punishment.

Dated: September 20, 2022


William Araujo

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Our File No. 1449

WILLIAM ARAUJO,	:	Civil Action.: 1:19-cv-05785-JPC-SN
	:	
Plaintiff,	:	
	:	ORDER
vs.	:	
	:	
E. MISHAN & SONS, INC. and FORGOT MY	:	
SOUVENIRS, LLC,	:	
	:	
Defendant.	:	

THIS MATTER having been opened to the Court on the motion of plaintiff William Araujo, by Amirali Y. Haidri, Esq. for an Order sealing Document 93 entitled Claim Construction Opinion and Order dated June 29, 2022, the Court having considered the matter including the following factors:

- (a) the nature of the materials or proceedings at issue;
- (b) the legitimate private or public interests which warrant the relief sought;
- (c) the clearly defined and serious injury that would result if the relief sought is not granted;
- (d) why a less restrictive alternative to the relief sought is not available;
- (e) any prior order sealing the same materials in the pending action; and
- (f) the identity of any party or nonparty known to be objecting to the sealing request.

and good cause appearing;

IT IS on this day of October , 2022

ORDERED and adjudged that the Clerk shall seal Document No. 93; and it is further

ORDERED that a copy of this Order shall be deemed served upon counsel for the defendants E. Mishan & Sons, Inc. and Forgot My Souvenirs, LLC when so posted electronically.

The Court finds that additional briefing on Plaintiff's request to seal Dkt. 93 would be beneficial. Plaintiff shall submit a brief in support of his request to seal Dkt. 93 by September 30, 2022. Plaintiff's brief should address why sealing is appropriate pursuant to the three-step inquiry laid out in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006).

SO ORDERED.

September 21, 2022
New York, New York



Hon. John P. Cronan, U.S.D.J.

Check List of Papers Considered:

ANSWERING PAPERS FILED BY:	AFFIDAVIT ()	BRIEF ()

REPLY PAPERS FILED BY:	()	()
